

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-454-C - ORDER NO. 2002-409
MAY 31, 2002

IN RE: BellSouth Telecommunications, Inc.,)	ORDER GRANTING
)	MOTION TO DISMISS
Complainant,)	
)	
vs.)	
)	
VarTec Telecom, Inc. d/b/a VarTec Telecom)	
And Clear Choice Communications,)	
)	
Respondent.)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Motion to Dismiss with prejudice filed May 20, 2002 by BellSouth Telecommunications, Inc. ("BellSouth") its Complaint against VarTec Telecom, Inc. d/b/a VarTec Telecom and Clear Choice Communications ("VarTec").

The instant docket was initiated by a Complaint filed on October 18, 2001, by BellSouth against VarTec concerning the reporting of percent interstate usage for compensation for jurisdictional access services. In its Complaint, BellSouth alleged that VarTec owed BellSouth sums for access services during the period between 1994 and 2000. BellSouth filed its Complaint and requested a determination against VarTec for payment to BellSouth of the alleged sums due and all applicable late-payment charges.

Thereafter, on November 14, 2001, VarTec filed a Notice of Removal of the Complaint case with the South Carolina Utilities Commission to the U.S. District Court of South Carolina. By Order dated April 23, 2002, the Honorable Dennis W. Shedd, United States District Judge, remanded this matter to the Commission.

On May 20, 2002, BellSouth filed its Motion to Dismiss stating that the parties had settled all claims arising out of or connected with the matters alleged in BellSouth's Complaint by Receipt and Release and Settlement Agreement dated May 10, 2002, and BellSouth moves to dismiss with prejudice its Complaint against VarTec dated October 18, 2001.

As BellSouth, the Complainant in this matter, has requested the dismissal of the instant action, the Commission finds and concludes that the Motion to Dismiss should be granted and, further, that the dismissal of this action be with prejudice.

IT IS THEREFORE ORDERED THAT:

1. The Motion to Dismiss filed by BellSouth Telecommunications, Inc. is hereby granted.
2. The dismissal of the instant action is with prejudice.

MAY 31, 2002

PAGE 3

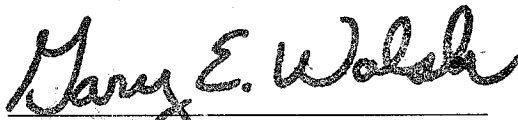
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director
(SEAL)